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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,910	02/20/2001	Alfred Eckert	AP9265	1060
10291	7590 07/14/2004		EXAMINER	
RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE			GRAHAM, MATTHEW C	
SUITE 140		ART UNIT	PAPER NUMBER	
BLOOMFIELD HILLS, MI 48304-0610			3683	
			DATE MAILED: 07/14/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Office Action Summers	09/701,910	ECKERT, ALFRED			
Office Action Summary	Examiner	Art Unit			
TI MANUAL COMPANY	Matthew C Graham	3683			
The MAILING DATE of this communication Period for Reply	appears on the cover sheet with	the correspondence address			
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a  - If NO period for reply is specified above, the maximum statutory per  - Failure to reply within the set or extended period for reply will, by state any reply received by the Office later than three months after the material patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a repl reply within the statutory minimum of thirty (3 iod will apply and will expire SIX (6) MONTH atute, cause the application to become ABAN	y be timely filed  30) days will be considered timely.  S from the mailing date of this communication.			
Status					
1) Responsive to communication(s) filed on _					
	his action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice unde	er <i>Ex parte Quayl</i> e, 1935 C.D. 1	1, 453 O.G. 213.			
Disposition of Claims					
4) ⊠ Claim(s) 12,16 and 19-22 is/are pending in 4a) Of the above claim(s) is/are without 5) □ Claim(s) is/are allowed.  6) ⊠ Claim(s) 12,19,20 and 22 is/are rejected.  7) □ Claim(s) is/are objected to.  8) ⊠ Claim(s) 12,16 and 19-22 are subject to reserved.	drawn from consideration.	nent.			
Application Papers					
9)☐ The specification is objected to by the Exam	iner.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.					
Applicant may not request that any objection to the					
Replacement drawing sheet(s) including the corr	ection is required if the drawing(s) Examiner. Note the attached O	is objected to. See 37 CFR 1.121(d). ffice Action or form PTO-152.			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for forei a) All b) Some * c) None of:  1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Bure * See the attached detailed Office action for a li	ents have been received. ents have been received in Appl riority documents have been rec eau (PCT Rule 17.2(a)).	ication No ceived in this National Stage			
Attachment(s)					
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0 Paper No(s)/Mail Date	Paper No(s)/Ma	mary (PTO-413) ail Date nal Patent Application (PTO-152)			

U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Application/Control Number: 09/701,910

Art Unit: 3683

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1. Applicant's election of Invention I, claims 12, 19, 20 and 22 in the reply filed on 4/22/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a))

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims12, 19, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by either Lubbers et al. or Campau et al.

Both Lubbers et al. and Campau et al. show brake assist systems that control pedal feel (reduce damping effect) during brake assist control.

Any inquiry concerning this communication should be directed to Matthew 4. C Graham at telephone number 703-308-2570.

> MATTHEW C. GRAHAM PRIMARY EXAMINER

**GROUP 310**